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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Yolanda Evans,

Plaintiff,

v.

Bank of Am. Corp. Long Term Disability
Plan,

Defendant.

_____/

NO. C 11-06271 JW

SCHEDULING ORDER

This case is scheduled for a Case Management Conference on March 26, 2012. Pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement and Proposed Order. (hereafter, "Joint Statement," Docket Item No. 10.)

In their Joint Statement, the parties agree that this matter will likely be resolved through dispositive motions and that trial is unnecessary. (Joint Statement at 4.) In addition, the parties agree that because this is an appeal of a denial of ERISA benefits, discovery beyond initial disclosures and the administrative record is inappropriate. (Id. at 5.) The parties have already served their initial disclosures and the administrative record. (Id. at 3.)

Based on the nature of this case and that dates provided by the parties in their Joint Statement, the Court finds that a schedule can be set for this case without the necessity of an appearance at this time. Accordingly, the Case Management Conference is VACATED. The Court

1   sets **October 15, 2012**, **at 9 a.m.** for a hearing on the parties' anticipated cross-motions for summary

2   judgment. All motions shall be noticed and briefed in accordance with the Civil Local Rules.

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5   Dated: March 20, 2012

JAMES WARE
6   United States District Chief Judge

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United States District Court
For the Northern District of California

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Jennifer Lynn Marks Ghozland jghozland@gordonrees.com
Jordan S. Altura jaltura@gordonrees.com
Ronald K. Alberts ralberts@gordonrees.com
Timothy J. Fricker tjfricker@gmail.com

Dated: March 20, 2012   **Richard W. Wieking, Clerk**

                                              By: /s/ JW Chambers
                                                   Susan Imbriani
                                                   Courtroom Deputy

United States District Court
For the Northern District of California

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